

CE's speech in delivering "The Chief Executive's 2020 Policy Address" to LegCo (3)

Safeguarding the Rule of Law

21. The rule of law is a core value and the cornerstone of Hong Kong's success. Hong Kong's rule of law has a solid foundation: our mature legal system is renowned for being transparent, trustworthy and fair; the Department of Justice (DoJ) is in charge of criminal prosecution without any interference; our courts exercise judicial power independently without any interference; and a robust legal aid system is in place to ensure that all Hong Kong residents are equal before the law. Since our reunification with the motherland, Hong Kong's laws and judicial independence have been highly regarded internationally. More importantly, these elements are protected under the Basic Law.

22. To enhance the community's proper understanding and practice of the rule of law, the DoJ will strive to implement a 10-year initiative "Vision 2030 for Rule of Law". Through collaboration with various stakeholders, more targeted public education activities will be carried out, including educating the youth on the proper understanding of the rule of law and promoting their law-abiding awareness, and research on the rule of law and related data compilation will be conducted. Besides, through enhanced efforts in promotion and explanation to clarify misconceptions and misunderstanding, the DoJ will continue to showcase that Hong Kong remains a neutral and effective international legal hub for deal-making and dispute resolution services; and to facilitate equal access to justice and sustainable development by creating synergy and momentum through international and regional collaboration. To enhance and promote Hong Kong's status as an international legal hub, the Government has provided office accommodation in the West Wing of the former Central Government Offices and the Former French Mission Building for over 20 local, regional and international law-related organisations. Together with the Justice Place in the former Central Government Offices, an iconic legal hub was commissioned on 2 November this year.

23. Fair trial and due process are essential elements of the rule of law. In this respect, the judiciary plays the pivotal role and performs its important constitutional functions under the Basic Law. In the discharge of their responsibilities, judges look only at the letter and the spirit of the law without any interference. However, independent judicial power does not deny a party the opportunity of lodging a complaint against the court ruling. For criminal cases, there is redress by way of an appeal or review, or an application for recusal, whether by the accused or the prosecution. Complaints against the impartiality and conduct of individual judges can also be made to the Judiciary.

24. Hong Kong has long been one of the safest cities in the world, and our disciplined services are highly trusted by the public. In the past year or so, Hong Kong has experienced social unrest with violent acts and “justice lawbreaking” advocated by some people, severely damaging social order and the rule of law, and posing threats to people’s lives and properties. To turn around this situation, we must take stringent law enforcement actions. If there is evidence that someone violates the law, the offender must face legal sanctions regardless of his or her status or background. No one has any privileges under the law. The Police will handle the cases in a fair, just and impartial manner in accordance with the law. Over 2 300 persons are being prosecuted in connection with the disturbances arising from the legislative exercise of the Fugitive Offenders Bill, and the legal proceedings of most of the cases are underway. For arrestees under the age of 18 who have expressed contrition and are not involved in serious offences, the Police is prepared to consider handling the cases with measures conducive to their rehabilitation as appropriate, for example, by cautioning them under the Police Superintendent’s Discretion Scheme or imposing bind over orders with the prerequisite that the minors must admit their wrongdoings.

Electoral Arrangements

25. The 2020 LegCo General Election, originally scheduled for 6 September 2020, has been postponed for a year amidst the severe epidemic situation. According to the decision made by the NPCSC, the sixth-term LegCo will continue to discharge its duties for no less than one year until the commencement of the seventh-term LegCo. There are views in the community calling for the Electoral Affairs Commission (EAC) to change and enhance the existing electoral arrangements. Meanwhile, the Constitutional and Mainland Affairs Bureau (CMAB) has also reviewed the existing legislation on the regulation of various electoral arrangements. Taking into account the proposals put forward by the EAC last month and the community’s views, the CMAB will introduce bills to revise the relevant legislation in due course so as to enhance the electoral system and arrangements.

Public Finance

26. The current-term Government adopts a proactive fiscal policy with substantial resources devoted to investments for Hong Kong and relieving our people’s burden. The Government’s recurrent expenditure has increased from \$361.8 billion in 2017-18 to the approved estimate of \$486.6 billion in 2020-21, representing a growth of 34.5% or an average annual growth of 10.4%, which is the highest among all previous terms of Government. Different sectors have been severely affected amid the tense relations between China and the United States as well as the outbreak of social unrest and COVID-19. Over the past six months or so, the Government has rolled out relief measures totalling about \$310 billion under this financial year’s Budget and the three rounds of the Anti-epidemic Fund (AEF). With the anticipation that the weak economy will persist for quite a long time and the consequent reduction in government revenue, it will be hard to continue to increase government expenditure. However, to avoid impeding the development of Hong Kong, we will continue to invest in infrastructure, develop our land resources and

meet economic and livelihood needs.

Public Sector Reform

27. I advocate that the Government should take up the roles of a “facilitator” and a “promoter” on top of a “regulator” and a “service provider”. The Government should be visionary, improve existing policies and measures pursuant to policy objectives, and remove barriers for our industries, with a view to maximising the benefits for the society. Even with stringent control over increases in recurrent expenditure and zero growth in the civil service establishment, departments are required to carry out service reforms by implementing initiatives that can bring benefits and convenience to the public. I noticed that recently Members of the LegCo have expressed reservations about the Government’s requests to create directorate posts under the current situation. I understand Members’ concern, and decide to withdraw all the staff establishment proposals awaiting scrutiny and review them individually. If any of the posts is confirmed to be absolutely necessary, we will only seek to create time-limited supernumerary posts first to handle the related duties.

28. On streamlining administrative procedures, we will place special emphasis on streamlining land development control and approval processes, as well as expediting the approval process of applications for lease modifications pertaining to the planning of major private residential sites and other developments. Moreover, bureaux and departments will reform over 900 services under the Streamlining of Government Services Programme on a continuous basis.

29. In parallel with the optimal use of public resources, we will make good use of the funds set up by the Government over the years for supporting various policy objectives and target groups. After taking stock of the situation, I notice that some of the funds have a substantial balance which can be put to more effective use. I have requested the relevant policy bureaux to examine the situation in a holistic manner, with a view to streamlining procedures and strengthening promotion, so that the funds can benefit more members of the community and organisations. I will later on give some examples on how we put the funds to good use.

IV. Navigating through the Epidemic

Staying Vigilant in the Prolonged Fight against the Epidemic

30. The year 2020 has presented mankind with an unprecedented public health crisis. With the exception of China, the epidemic situation across the globe shows no sign of abating and is even worsening rapidly in some places. Governments around the world have to implement extremely stringent border control and social distancing measures. During almost one year of our fight against the epidemic, Hong Kong has remained vigilant and committed. Mobilising the whole community to fight the virus together, the Government has been maintaining a high degree of transparency in its anti-epidemic efforts and seeking the co-operation and support of the entire community.

Together, We Fight the Virus

31. During the multiple waves of the epidemic, the Hong Kong community has shown its unity and the spirit of mutual help in working towards a common goal. We have seen a large number of medical staff, serving and retired civil servants as well as members of the auxiliary services making concerted efforts to perform arduous tasks such as medical surveillance, contact tracing, virus testing, quarantine and treatment; government project teams as well as contractors and workers labouring day and night to set up more quarantine centres and community treatment facilities within the shortest time; professional teams travelling to and from the Mainland and overseas fearlessly to take Hong Kong people home; community organisations and volunteers distributing protective equipment to support the underprivileged; and technology personnel zealously exploring the application of research and development (R&D) outcomes in related prevention and control work. The HKSAR Government would like to extend its heartfelt gratitude to each and every one who has joined the fight against the epidemic.

Support of the Central Government

32. The Central Government is very concerned about the development of the epidemic in Hong Kong and has responded positively to requests from the HKSAR Government, including supplying personal protective equipment, exporting mask production machines, assisting Hong Kong residents stranded in the Mainland and overseas in returning home, and supporting three major projects to help Hong Kong suppress the third wave of the epidemic and enhance our capability in treating patients in the future. With the full support of the Central Government, the Universal Community Testing Programme, which provided voluntary virus testing services for more than 1.7 million people, was concluded smoothly in mid-September. The new community treatment facility at AsiaWorld-Expo (AWE) has also been commissioned ahead of schedule early last month, while the construction of a temporary hospital is expected to be completed in January next year. To support Hong Kong in ensuring the supply of vaccines, the Central Government has recently agreed to reserve a certain amount of vaccines developed or produced in the Mainland for use by Hong Kong people when necessary. On behalf of the HKSAR, I wish to express our sincere gratitude to the Central Government as well as the provinces and cities which have come to our assistance. As for arrangements to facilitate cross-border travel which the public are concerned about, provided that the epidemic in Hong Kong is under control, the Central Government supports the gradual resumption of travel between Hong Kong and Guangdong without the need for compulsory quarantine in an orderly manner through mutual recognition of health codes.

Adopting a Multi-pronged Approach

33. Since the outbreak of the epidemic in January this year, the inter-departmental Steering Committee cum Command Centre led by me has been making timely adjustments to the measures to cope with the ever-changing situation with a view to curbing the epidemic through a multi-pronged approach. In the course of doing so, not only do we have to consider the legal basis of the measures, the level of acceptance from the public and the impact on the

economy, but also the practicability of the measures in achieving the desired effect. This is by no means an easy task, but I can assure that every decision we made is based on science, expert advice and the information available to us at the time, and that political considerations have never come into play.

34. As the research and development of vaccines take time, and the epidemic situation remains unstable and may persist for a period of time, we need to be prepared at all times for the next wave. With the concerted efforts of the Government and the sector, the testing capacity of the local private sector has increased from several thousand per day initially to the current level of over 100 000, and the cost of testing has also dropped substantially. The anti-epidemic technologies developed locally have also proved to be highly useful. Furthermore, we have set up more quarantine centres and treatment facilities, subsidised the production of masks and other personal protective equipment locally, as well as rolled out three rounds of AEF measures to support the sectors and members of the public that have been hard hit by the epidemic.

Sparing No Effort in Achieving “Zero Infection”

35. However, in view of the unstable development of the epidemic, we should never lower our guard. Recently, there is a resurgence of confirmed cases and clusters of infection without a known source in the community. The epidemic is on the brink of another wave of outbreak. It is essential for us to take all necessary measures to strengthen epidemic control by guarding against the importation of cases and the resurgence of domestic infections, and to further enhance the precision of the control measures to be taken. On guarding against the importation of cases, the Government has tightened cross-boundary control measures comprehensively by putting inbound travellers arriving in Hong Kong from countries outside China in compulsory quarantine at hotels for 14 days; and for those coming from high-risk places, they are also required to present proof of a negative virus test result before boarding planes. On breaking the virus transmission chain in the community, we mandate high-risk groups to undergo virus tests, and will provide voluntary virus testing service for people without symptoms on a wider scale, or may even implement a large-scale universal community testing again in a bid to achieve the target of “zero infection” should we have the support and co-operation of the general public, and to resume travelling between the two places at an early date.

(To be continued.)